

11-18-02

EV205794965US

1638

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No. #5  
UAB-16102/22  
Dee

In Re Application Of: **Richard J. Whitley et al.**

11/19/02

Serial No.  
10/009,972

Filing Date  
February 14, 2002

Examiner

Group Art Unit  
1638

Title: **HERPES SIMPLEX VIRUS EXPRESSING FOREIGN GENES AND  
METHOD FOR TREATING CANCERS THEREWITH**



Address to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);

OR

☐ the fee set forth in 37 CFR 1.17(p).

**RECEIVED**

NOV 19 2002

TECH CENTER 1600/2900

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
UAB-16102/22

In Re Application: **Richard J. Whitley et al.**

Serial No.  
10/009,972

Filing Date  
February 14, 2002

Examiner

Group Art Unit  
1638

**HERPES SIMPLEX VIRUS EXPRESSING FOREIGN GENES AND  
METHOD FOR TREATING CANCERS THEREWITH**

**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.

**Certificate of Transmission by Facsimile\***

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. \_\_\_\_\_) on \_\_\_\_\_

(Date)

Signature

Typed or Printed Name of Person Signing Certificate

**Certificate of Mailing by <sup>EXPRESS</sup>First Class Mail**

I certify that this document and fee is being deposited on Nov. 15, 2002 with the U.S. Postal Service as ~~first class mail~~ under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231. **EXPRESS MAIL #EV20579496505**

*Janice R. Kuehn*  
Signature of Person Mailing Correspondence

Janice R. Kuehn

Typed or Printed Name of Person Mailing Certificate

\*This certificate may only be used if paying by deposit account.

*Avery N. Goldstein*  
Signature

Dated: November 15, 2002

Avery N. Goldstein, Reg. No. 39,204

Attorney for Applicant

Gifford, Krass, Groh, Sprinkle,

Anderson & Citkowski, P.C.

280 N. Old Woodward Avenue, Suite 400

Birmingham, MI 48009-5394

(248) 647-6000

CC:

**RECEIVED**

NOV 19 2002

TECH CENTER 1600/2900